

### **REMARKS**

The Examiner in paragraph 5 of the Official Action rejected claim 1 for not providing an appropriate antecedent basis for “said white space”. Claim 1 has now been amended to provide appropriate antecedent basis for this term. In addition, claim 1 has been amended to more clearly set forth the balancing of the white space between the plurality of digital images in accordance with the amount of white space in each of the plurality of different page layouts.

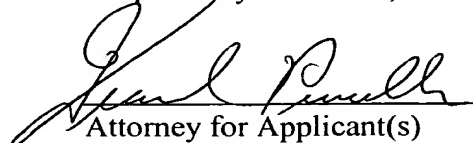
The Examiner in paragraph 6 of the Official Action has rejected claims 1-2, 5, 8, 12, 16, 22, 25 and 27 under 35 USC § 103(a) as being unpatentable over King et al. in view of Zhu et al. for the reasons set forth in paragraph 7. The Examiner has acknowledged that King fails to explicitly disclose that each of the page layouts is capable of being printed. The Examiner goes on to state “but because they are compositions on a computer and it was notoriously well known in the art at the time of the invention that compositions on a computer were printable in order to have transportable hardcopy, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the layouts be printable in order to have transportable hardcopy”. Applicant respectfully submits that the King reference would not teach or suggest the present invention as set forth by the claim in that while it may have been able to print certain amounts of the material being arranged by the computer, parts of the composition that would fall outside of the designated print area would not be printed. The whole object of King is to provide a layout within the prescribed print format. Thus, having an image outside of the print format is not a printable page of the type to which the present invention is directed. In the present invention, each of the page layouts is capable of being printed so as to include all of the image components on the page and not merely on portions thereof. Thus, Applicant respectfully submits it would not have been obvious of printing the entire page layout of the entire components of the page as this is contrary to the object of the King reference. The King reference is trying to fit all of the individual print components within a prescribed layout and until such is achieved, the printing of the page in its entirety would not be appropriate or desirable. Therefore, it would not have been obvious to modify King as suggested by the Examiner.

The Examiner also acknowledges that King fails to explicitly disclose spatial balancing the white space between the plurality of digital images and selecting each layout based on the spatial balance of the white space between the plurality of digital images. The Examiner then relies on Zhu at page 4, lines 20-30 as providing support for this limitation and that one of ordinary skill in the art would have combined Zhu with King in order to produce the more attractive layout. In this regard, Zhu does not teach or suggest providing a plurality of different page layouts, each of the page layouts capable of being printed. In Zhu there is only one page layout that is formed. There is no comparison between a plurality of different page layouts. Thus, it could not teach or suggest the selecting one particular layout over another as there is no teaching of providing a plurality of different page layouts. Thus, even if one were to combine Zhu with King it would not result in providing the invention as currently set forth in independent claim 1. Thus, in view of the this, Applicant respectfully submits that claim 1 is patentably distinct over the prior art for the reasons set forth above.

With regard to claims 4 through 15, these are all dependent claims and are therefore patentably distinct for the same reasons as claim 1 upon which they depend at least ultimately. Independent claims 16, 22, 23, 24, 25 and 27 include similar limitations as previously discussed with regard to independent claim 1. Accordingly, it is respectfully submitted that these claims are patentably distinct for the same reasons previously discussed. The remaining dependent claims depend at least ultimately upon one of the previously discussed independent claims and are therefore patentably distinct for the same reasons previously discussed.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,



Attorney for Applicant(s)  
Registration No. 27,370

Frank Pincelli/phw  
Rochester, NY 14650  
Telephone: 585-588-2728  
Facsimile: 585-477-4646